

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Galveston DIVISION

United States Courts  
Southern District of Texas  
FILED

NOV 05 2020

David J. Bradley, Clerk of Court

Clinton Hurley TDCJ# 02096427

Plaintiff's Name and ID Number

Ramsey I unit 1100 FM 655 Rosharon, TX.

Place of Confinement

CASE NO. 3:20-cv-347

(Clerk will assign the number)

v.

Warden Kristi Pittman Ramsey I unit 1100 FM 655 Rosharon, TX.

Defendant's Name and Address

Defendant's Name and Address

Defendant's Name and Address  
(DO NOT USE "ET AL.")

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INSTRUCTIONS - READ CAREFULLY

NOTICE:

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES X NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:
 

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: Ramsey I Unit 1100 FM 655 Rosharon, TX.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? X YES    NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Clinton Hurley 1100 FM 655 Rosharon, TX.

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Warden, Kristi Pittman Ramsey I Unit  
1100 FM. 655 Rosharon, TX.

Failures to adhere to their promises for preventon (Covid 19)

Defendant #2: \_\_\_\_\_

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: \_\_\_\_\_

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Failures to adhere their promises for preventon of Covid 19 on Ramsey I  
trusty camp unit. A mass movement of inmates from main building alone  
from other units and sending trusty workers to surrounding units under  
quarantine for covid 19 to work and sent back to ramsey trusty camp  
This highly increased the risk factor for all Ramsey trusties.  
Not properly cleaning or sterlizing cubicles after moving a positive  
covid 19 inmate out and moving negative inmate directly into cubicles.  
Myself became sick approximately around (7/4-17/20).

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Trial by jury, damages, injunctive relief, declartory judgement  
any relief this court finds due the plaintiff

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.  
Clinton Dale Hurley, Clint Hurley

B. List all TDCJ-CID identifcaiton numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

02096427

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_ YES \_\_\_\_ NO

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES x NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.  
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 10/28/2020  
DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 3 day of November, 20 20.  
(Day) (month) (year)

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**



## Texas Department of Criminal Justice

## STEP 1

OFFENDER  
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2020/55650  
 Date Received: 27 JUL 2020  
 Date Due: 8/11/2020  
 Grievance Code: 815/930  
 Investigator ID #: J1542  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: 31 JUL 2020

Offender Name: Clint Hurley TDCJ # 2096427  
 Unit: Ramsey Housing Assignment: TE 2/29  
 Unit where incident occurred: Ramsey trusty camp

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? officer Wilcox When? 7/23/20

What was their response? Nobody knows whats going on

What action was taken? No action taken

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

\* Failures to adhere to their promises for prevention.

Due to the lack of knowledge and concern for Ramsey trusty inmate alone with the erratic decision making from TDCJ staff put Ramsey trusty inmates at a very high risk of infection of covid 19 virus TDCJ staff is negligent in the prevention of protection from covid 19 due to their greediness to continue to force inmates to work under the extreme dangers of the covid 19 pandemic.

The continual movement between Ramsey main building alone to other units for work and return to Ramsey trusty camp.

A mass movement of inmates from main building (approximately 30 inmates) alone with (approximately 40 inmates) from Pam Lychner unit to Ramsey trusty camp, put all Ramsey trustees at a very high risk level. The parading around of new TDCJ recruits

(on or around) 3/25/20 alone with the continuance of the shuffling of Ramsey trusty camp guards from one shift to the next, very unethical. Due to the TDCJ staff ignorance of the covid 19 pandemic put many inmates life at an extremely high risk of the covid 19 virus with no concern for human lives.

IGNORANCE IS NO EXCUSE!



## RELIEF REQUESTED:

- 1) We need to be retested
- 2) We need bleach for cleaning
- 3) We need more hand soap

Action Requested to resolve your Complaint.

- 4) Movement of inmates must stop

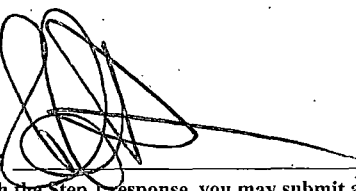
Offender Signature: 

Date: 7-25-20

Grievance Response:

Offender Hurley, information provided in this investigation reveals that the incoming offenders were received on the Ramsey Unit on June 22, 2020. All offenders were screened by medical. Your allegations that the Ramsey Unit received "COVID" offenders holds no merit. There is no evidence to support your allegations of State or Agency policies in regards to protocol followed by the Ramsey Unit Staff. No further action is warranted.

Assistant Warden P. Demerson

Signature Authority: 

Date: 2/3/21

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

22 SEP 2020 head Rf



**Texas Department of Criminal Justice**  
**STEP 2** **OFFENDER**  
**GRIEVANCE FORM**

Offender Name: Clint Hurley TDCJ # 2096427  
 Unit: Ramsey Housing Assignment: TC 2-29  
 Unit where incident occurred: Ramsey trusty camp

OFFICE USE ONLY	
Grievance #:	<u>2020155650</u>
UGI Recd Date:	<u>11 AUG 2020</u>
HQ Recd Date:	<u>AUG 14 2020</u>
Date Due:	<u>8-20-20</u>
Grievance Code:	<u>85130</u>
Investigator ID#:	<u>2448</u>
Extension Date:	

*You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.*

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Issue not addressed on step 1. The Ramsey unit (TRusty- camp) refuses to accept responsibility for the negligence of failures

to adhere to their promises for prevention. Due to the TDCJ

staffs erratic decision making of sending Ramsey trusty workers to Ramsey main building and other surrounding TDCJ units for

work that were under quarantine due to the covid 19 virus and back to Ramsey camp, this highly increased the risk factor of

all Ramsey trustees. Alone with the mass movement of inmates to Ramsey trusty camp from Ramsey main building and Pam Lycher

unit alone with the shuffling of all the guards from day to day. Failure to properly disinfect living cubicles after moving

positive inmates out and move negative inmates into same cubicle.

TDCJ staff is negligent in simply ignoring the safety and care for all Ramsey trusty camp inmates.

Step 1- Response is all received offenders were screened by medical and my allegations holds no merit. Fact is a simple

screening holds no merit, due to without a proper covid 19

virus test you, DO NOT KNOW. What assures you a TDCJ inmate is

telling the truth about his symptoms. If the TDCJ screening

is an assured method of prevention and the TDCJ officers are

screened before entering a facility then the only logical



answer is the sending of TDCJ Ramsey trusty inmates to an infected environment for work and returned to Ramsey camp.

Only TDCJ can be held in negligence for the spread of the covid 19 virus. YES FURTHER ACTION IS WARRANTED.

IGNORANCE IS NO EXCUSE..

Offender Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Grievance Response: \_\_\_\_\_

Your Step 2 grievance has been investigated by this office. You were appropriately advised at Step 1 level. If you need additional cleaning supplies, speak to security staff and it will be provided to you. Ramsey I Unit is following all the TDCJ and Center for Disease Control guidelines to prevent the spread of COVID-19. Based on the information available at this time, no further action is warranted.

*ML*

M. LEWANDOWSKI

AUG 22 2020

Signature Authority: \_\_\_\_\_ Date: \_\_\_\_\_

Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

#### OFFICE USE ONLY

<b>Initial Submission</b>	<b>CGO Initials:</b> _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<b>2<sup>nd</sup> Submission</b>	<b>CGO Initials:</b> _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<b>3<sup>rd</sup> Submission</b>	<b>CGO Initials:</b> _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	

Clint Hurley TDCJ # 2096427

Ramsey unit

1100 FM 655

Rosharon, TX. 77583



4 United States District Clerk's office  
Lucia Smith, Deputy-in-charge  
US Post office & Courthouse, 601 Rosenberg St. Rm 4  
Galveston, TX. 77550